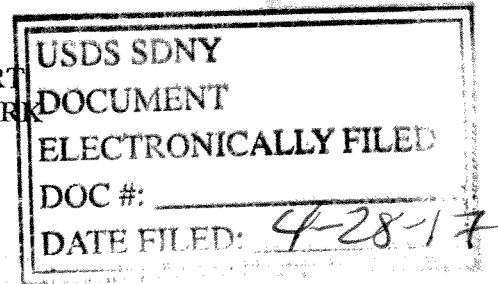


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



JOHN KOBECK,
on behalf of himself, FLSA Collective
Plaintiffs and the Class,

Plaintiff,

-against-

ARMONK BRISTAL LLC, *et al.*

Defendants.

Case No. 16 CV 8770 (VB)

STIPULATION OF CONDITIONAL
COLLECTIVE CERTIFICATION

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff JOHN KOBECK ("Plaintiff") and Defendants (as defined below, and collectively with Plaintiff, the "Parties"), acting by means of their respective counsel, that:

(1) Defendants ARMONK BRISTAL LLC, ARMONK SENIOR CARE LLC, WOODCLIFF LAKE SENIOR CARE, LLC, WOODCLIFF LAKE BRISTAL LLC, SAYVILLE BRISTAL LLC, WESTBURY SENIOR LIVING INC., LYNBROOK SENIOR CARE, LLC, EB AT HOLTSVILLE, LLC, LAKE GROVE SENIOR CARE LLC, EB CARE AT LAKE SUCCESS LLC, EB CARE AT WEST BABYLON LLC, ENGEL BURMAN AT JERICHO, LLC, ENGEL BURMAN AT ENGLEWOOD LLC, ENGEL BURMAN AT WAYNE LLC, ULTIMATE CARE ASSISTED LIVING MANAGEMENT LLC, JAN BURMAN, STEVEN KRIEGER, MARYELLEN MCKEON, LAURIE MUSTO, LORI MALONEY, and SAMANTHA KRIEGER (collectively, "Defendants") consent to conditional collective certification for all non-exempt sales employees (including but not limited to the positions "Director of Community Relations", "Community Relations Coordinator," and "Sales Executive") employed by Defendants at any time between November 11, 2013 and the present

who timely "opted out" of the Defendants Dispute Resolution Agreement ("Covered Employees").

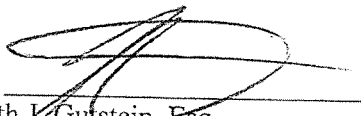
(2) Defendants will provide, with respect to Covered Employees, in Microsoft Excel format, the names, titles, compensation rates, mailing addresses, and dates of employment, as well as an affidavit from an employee of Defendants confirming the identities of all Covered Employees, within 10 days of Court approval of this stipulation;

(3) Plaintiff's counsel will mail the collective certification notice (attached hereto) to Covered Employees within 10 days of receiving class information from Defendants;

(4) Covered Employees shall have 30 days from the date Plaintiff's counsel mails the collective certification notice to file their Consent to Join Form; and

(5) In the event that any of the collective certification notices sent to Covered Employees are returned to Plaintiffs' counsel as "undeliverable", Plaintiff's counsel shall notify Defendants' counsel in writing, who will then provide Plaintiff's counsel with Social Security numbers (if known) of Covered Employees whose notices were returned as undeliverable.

For Defendants:

By: 
Keith L. Gutstein, Esq.
David A Tauster, Esq.
Kaufman Dolowich & Voluck, LLP
135 Crossways Park Dr., Suite 201
Woodbury, NY 11797
Telephone: (516) 283-8708

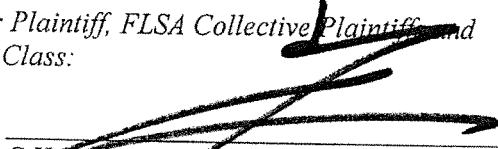
Date: 4/25/17

SO ORDERED, *White Plains*
Dated: ~~New York~~, New York

April 27, 2017

4815-2808-5831, v. 1

For Plaintiff, FLSA Collective Plaintiff, and the Class:

By: 
C. Lee, Esq.
Lee Litigation Group, PLLC
30 East 39th Street, 2nd Floor
New York, New York 10016
Phone: (212) 465-1180

Date: 4.25.17



The Honorable Vincent L. Briccetti, U.S.D.J.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN KOBECK,
*on behalf of himself, FLSA Collective Plaintiffs
and the Class,*

Plaintiff,

Case No. 16 CV 8870

-against-

ARMONK BRISTAL LLC, et al,

**NOTICE OF PENDENCY OF
LAWSUIT REGARDING WAGES**

Defendants.

Please read this notice if you are or were employed as a non-exempt sales employee (including but not limited to the positions “Director of Community Relations”, “Community Relations Coordinator,” and “Sales Executive”) at any time between November 11, 2013 and the present at any one of the Bristal Assisted Living Facilities (the “Bristal”) and timely opted out of the Bristal’s Dispute Resolution Agreement.

JOHN KOBECK (“Plaintiff”), has sued ARMONK BRISTAL LLC, ARMONK SENIOR CARE LLC, WOODCLIFF LAKE SENIOR CARE, LLC, WOODCLIFF LAKE BRISTAL LLC, SAYVILLE BRISTAL LLC, WESTBURY SENIOR LIVING INC., LYNBROOK SENIOR CARE, LLC, EB AT HOLTSVILLE, LLC, LAKE GROVE SENIOR CARE LLC, EB CARE AT LAKE SUCCESS LLC, EB CARE AT WEST BABYLON LLC, ENGEL BURMAN AT JERICHO, LLC, ENGEL BURMAN AT ENGLEWOOD LLC, ENGEL BURMAN AT WAYNE LLC, ULTIMATE CARE ASSISTED LIVING MANAGEMENT LLC, JAN BURMAN, STEVEN KRIEGER, MARYELLEN MCKEON, LAURIE MUSTO, LORI MALONEY, and SAMANTHA KRIEGER (“Defendants”). His lawsuit’s federal collective Fair Labor Standards Act (“FLSA”) claims seek back wages for unpaid overtime compensation, liquidated damages, and attorneys’ fees and costs, and damages for retaliation.¹

Defendants deny that the Plaintiff’s claims have merit and maintain that all of their employees were and continue to be paid in accordance with federal and state law. The purpose of this Notice is to advise you of the existence of Plaintiff’s FLSA claim and of certain rights you may have with respect to the FLSA claim. The Court has not decided the merits of any claims or any defenses asserted by any party to this lawsuit or whether any party is right or wrong.

YOUR LEGAL RIGHTS

If you worked for Defendants as a non-exempt sales employee (including but not limited to the positions “Director of Community Relations”, “Community Relations Coordinator,” and “Sales Executive”) at any time between November 11, 2013 and the present, and timely opted out of the Bristal’s Dispute Resolution Agreement, you may join this lawsuit. If you believe that you may be able to assert any of the claims described above, you have the right to participate in this lawsuit. It is your right to join or not to join this lawsuit. Defendants will not retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit.

¹ The lawsuit also includes a class action claim under the New York Labor Law (“NYLL”). This Notice applies only to the FLSA claim, not to the class action claim brought under the NYLL.

If you participate in this lawsuit's FLSA claim, you will be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. If you participate in this lawsuit, you must preserve all documents in your possession, custody, or control relating to your employment with the Bristol. You will also be bound by the outcome of this lawsuit's FLSA claim, whether it is favorable or unfavorable.

To join this lawsuit, you must sign a "Consent to Join" form, which is enclosed with this Notice, and send it on or before **[30 days from the date notice is sent out]** to:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
30 East 39th Street, Second Floor
New York, NY 10016

If you do not join this lawsuit, you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable, and the limitations period on any FLSA claim which you may or may not have against Defendants will continue to run.

THE LAWYERS REPRESENTING PLAINTIFFS

The plaintiff in this lawsuit is represented by Lee Litigation Group, PLLC. The firm is handling the lawsuit on a "contingency fee" basis, which means that you do not have to pay any attorneys' fees or expenses for this lawsuit. If the plaintiff wins a favorable judgment, Lee Litigation Group, PLLC may ask the Court to award them (i) reasonable attorney's fees calculated using the lodestar method (i.e. number of hours expended multiplied by a reasonable court approved rate), or (ii) up to one-third of the monetary recovery, whichever is greater. You are not required to have Lee Litigation Group, PLLC represent you. If you want your own attorney to represent you in this lawsuit, however, you may be responsible for paying that attorney's fees and expenses.

GETTING MORE INFORMATION

You can obtain more information about this lawsuit by contacting C. K. Lee, Esq.:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
30 East 39th Street, Second Floor
New York, NY 10016
Tel: (212) 465-1180
Fax: (212) 465-1181
Email: cklee@leelitigation.com

Do not call or write the Court or the Clerk's Office with questions.

Dated: New York, New York, _____, 2017

"CONSENT TO JOIN" FORM

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN KOBECK,
*on behalf of himself, FLSA Collective Plaintiffs
and the Class,*

Plaintiff,

-against-

Case No. 16 CV 8770

ARMONK BRISTAL LLC, *et al.*,

Defendants.

If you are or were employed at any one of THE BRISTAL ASSISTED LIVING FACILITIES as a non-exempt sales employee (including but not limited to the positions "Director of Community Relations", "Community Relations Coordinator," and "Sales Executive") at any time between November 11, 2013 and the present, and timely opted out of the Bristol's Dispute Resolution Agreement, please complete and mail this Consent Form by [30 days from the date of notice] to:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
30 East 39th Street, Second Floor
New York, NY 10016

I hereby consent to join this lawsuit as a party plaintiff. By signing and returning this consent form, I hereby designate John Kobeck, or his counsel Lee Litigation Group, PLLC, to represent me and make decisions on my behalf concerning the litigation and any settlement.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Social Security No.: _____

E-mail Address: _____

SIGNATURE: _____ Date: _____